

### **REMARKS/ARGUMENTS**

Claims 1-3 are pending in this application. Claims 1 and 2 have been rejected as being anticipated by the patent to Nelson, Claim 1 has also been rejected as being anticipated by the Derwent Abstract, and Claims 2 and 3 have been variously rejected as being obvious in view of Nelson or the Derwent Abstract. For the reasons to follow, the Applicant respectfully disagrees.

As recited in independent Claim 1 of the present Patent Application, the inventive dental material "contains less than about 0.5 percent by weight of iron oxide based upon 100% by weight of the material." It is the Applicant's position that this specific Portland cement results in a dental material that is white in color. In discussing the rejections under 35 U.S.C. 103 the Examiner appears to indicate that neither the Nelson nor the Derwent references disclose, teach or suggest a dental material that is white in color. The Examiner then goes further to state that it would be obvious to provide a Portland cement having the claimed amount of iron oxide simply because both the claimed cement and those of the prior art happen to be of the broad category "Portland cements." The Applicant respectfully disagrees. The fact that it is desirable to provide dental materials that are white in color, or more importantly that match a patient's dentition, in no way teaches or suggests to adjust the amount of iron oxide in a Portland cement component. The Applicant believes that the Examiner has reached a conclusion that is not taught or suggested by the prior art. Indeed, the Applicant believes that there would be numerous ways to prepare a white dental material containing Portland cement. The claimed composition is one of those ways. Therefore, the Applicant believes that it is not at all obvious to vary the amount of iron oxide in a Portland cement component of a dental composition in order to change the color characteristics of that material.

Therefore, because the Applicant's specific Portland cement material as recited in Claim 1 is not shown in the prior art of record, and because there is nothing to teach or suggest the Applicant's recited material, the Applicant believes that Claim 1 and hence, dependent Claims 2

and 3 are fully allowable over the art of record. Therefore, the Applicant respectfully requests that the Examiner reconsider the rejection of the claims over the Nelson and Derwent references.

A formal Notice of Allowance of Claims 1-3 is earnestly solicited. Should the Examiner care to discuss any of the foregoing in greater detail, the undersigned attorney would welcome a telephone call.

Respectfully submitted,

DENTSPLY International Inc.

By



Douglas J. Hura

Patent Attorney Reg. No. 33249

Tel.: (717) 849-4466

Attachment